



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5083 OF 2023

Shantanu s/o Bhagwat Ingle,
aged about 18 years, Occ. Student,
R/o Anant Colony, Sadashiv Nagar Risod,
District – Washim.

PETITIONER

.....VERSUS.....

1. State Common Entrance Test Cell,
Maharashtra State, Mumbai,
8th Floor, New Excelsior Building,
A.K. Nayak Road, Fort, Mumbai – 400001,
through its Commissioner.
2. Vice Chairman/Joint Commissioner,
Schedule Tribe Caste Certificate Scrutiny Committee,
Yavatmal.
**Amended as per Court's order dated
30/8/2023.**

RESPONDENTS

Shri A.P. Kalmegh, Advocate for the petitioner.
Shri N.S. Khubalkar, Advocate for respondent no.1.
Ms S.S. Jachak, Assistant Government Pleader for respondent no.2.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : SEPTEMBER 15, 2023

ORAL JUDGMENT : (PER : A.S. CHANDURKAR, J.)

Rule. Rule made returnable forthwith and heard the learned
Counsel for the parties.

2] The petitioner seeks to challenge the order passed by the
Scrutiny Committee on 22/8/2023 invalidating his claim of belonging to
'Thakur' Scheduled Tribe. It is not in dispute that the petitioner's father –

Bhagwat has been issued a validity certificate of belonging to 'Thakur' Scheduled Tribe by the Scrutiny Committee at Aurangabad on 19/4/2003. Similarly, the petitioner's real brother – Ajay has also been directed to be issued a validity certificate pursuant to the judgment in *Ajay Bhagwat Ingle Vs. Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati, through its Vice Chairman/Joint Commissioner [Writ Petition No. 4424/2019 decided on 27/6/2019]*. The Scrutiny Committee in the impugned order has declined to rely upon this material on the ground that in a subsequent report of the Vigilance Cell, further material was found.

3] We find that as long as the validity certificates issued to the petitioner's father and his real brother operate and especially when the brother's validity is issued pursuant to the judgment in *Ajay Bhagwat Ingle (supra)*, it would not be permissible to take a different view of the matter. By relying upon the ratio of the decision in *Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur & Ors. [2010(6) Mh.L.J. 401]*, the order passed by the Scrutiny Committee cannot be sustained.

4] For the aforesaid reasons, the order dated 22/8/2023 passed by the Scrutiny Committee is set aside. It is declared that the petitioner has proved that he belongs to 'Thakur' Scheduled Tribe. Within a period of three weeks from today, the Scrutiny Committee shall issue

validity certificate to the petitioner. Till the petitioner receives the validity certificate, he is free to rely upon this judgment to indicate that his claim of belonging to 'Thakur' Scheduled Tribe has been upheld. Respondent no.1 shall also consider the judgment in that regard.

5] Rule is made absolute in the aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Sumit